

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARLON CASTRO, OCTAVIO RANGEL, MARTIN VASQUEZ, ALFREDO MARTINEZ, RODOLFO MENDEZ, GERARDO ANGULO, JUAN MARTINEZ, JOSE CERVANTES, SERGIO SANCHEZ, ISRAEL SANCHEZ, MARTINE PEREZ, GUILLERMO MENDOZA, OMAR CASTILLO, and AMANDO MARTINEZ, individually and on behalf of others similarly situated,

Plaintiffs,

-against-

SPICE PLACE, INC., SPICE AVE, INC., BANKOK PALACE II, INC., SPICE CITY, INC., SPICE WEST, INC., KITLEN MANAGEMENT, KITTIGRON LIRTPANARUK, and YONGYUT LIMLEARTVATE,

Defendants.

Docket Number 07-CV-4657
(RWS) (DFE)

**OBJECTIONS TO
SUBPOENA AND TO
SUBPOENA DUCES
TECUM**

PLEASE TAKE NOTICE that nonparties ANDREW CUOMO, Attorney General of the State of New York, and former Assistant Attorney General JENNIFER BRAND, Esq., hereby object to the document and testimonial subpoenas directed by plaintiffs to them in their capacities as Attorney General and Assistant Attorney General,¹ on the following grounds:

1. The subpoenas require disclosure of material protected by the law-enforcement privilege, the deliberative-process privilege, the investigative privilege, the work-product doctrine, the attorney-client privilege, and other applicable privileges and immunities.
2. The subpoenas are overly broad and unduly burdensome.

¹The Attorney General does not believe that nonparty Lorelei Boylan, Esq., also a former Assistant Attorney General who has been the subject of a subpoena pertaining to her in that capacity, has been served or that Ms. Boylan has waived service. These objections apply with equal force to the subpoena directed at Ms. Boylan, and to the extent necessary, the Attorney General asserts them on her behalf as well.

3. The subpoenas fail to describe with reasonable particularity the documents or categories of documents to be inspected or produced.
4. The subpoenas fail to allow a reasonable time for compliance.
5. The subpoenas subject the witnesses to undue burden.
6. The subpoenas call for the depositions of witnesses with no personal knowledge of any issues relevant to the instant litigation.
7. The subpoenas call for depositions to be taken prematurely, before the parties to the instant litigation have held a discovery conference pursuant to Fed. Rule Civ. Proc. 26(f).
8. The subpoenas call for depositions to be taken prematurely, before the court has ruled on plaintiffs' motion for class-action certification to establish the scope of discovery.
9. The subpoenas would result in plaintiffs taking more than ten depositions, in violation of Fed. Rule Civ. Proc. 30(a)(2)(A)(i).

Dated: New York, New York
July 7, 2008

ANDREW M. CUOMO
Attorney General of the State of New York
*Attorney for Nonparties Jennifer Brand, Esq., and
Lorelei Boylan, Esq., and also appearing pro se.*

By: /s/ Joshua Pepper
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